



PRELIMINARY DRAFT
No. 3403

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-17.2-3.5.

Synopsis: Child care and development fund health eligibility. Specifies requirements that must be met by a child care provider as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-17.2-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A provider shall have:

- (1) working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes; ~~and~~
- (2) hot and cold running water; **and**
- (3) **drinking water obtainable from a source other than a bathroom;**

in the area of the facility where the provider operates a child care program.

(b) A provider shall maintain compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under section 15 of this chapter.

(c) The food, health, safety, and sanitation standards adopted under subsection (b):

(1) must apply to a provider according to the licensing requirements that would apply to the provider under:

(A) IC 12-17.2-4 if the provider cares for more than sixteen (16) children; or

(B) IC 12-17.2-5 if the provider cares for sixteen (16) or fewer children;

at the facility where the provider operates a child care program; and

(2) must include all of the following requirements:

(A) Availability of toilets and sinks.

(B) Handwashing after diaper changes.

(C) Nutritionally balanced meals and snacks.

(D) Food service sanitation.

(E) Maintenance of premises in sound, neat, and sanitary condition.



SECTION 2. IC 12-17.2-3.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. **(a)** A provider shall have written plans for notifying parents regarding the following:

- (1) Illness, serious injury, or death of the provider.
- (2) Care in an emergency.
- (3) Emergency evacuation.

The plan required under subdivision (3) must be posted in a conspicuous location in the facility where the provider operates a child care program.

(b) A provider shall:

- (1) maintain a written child discipline policy;**
- (2) ensure that all employees and volunteers follow the child discipline policy;**
- (3) provide to the parent or legal guardian of each child cared for by the provider a written copy of the child discipline policy; and**
- (4) maintain in each child's file a copy of the child discipline policy that has been signed by the parent or legal guardian described in subdivision (3).**

(c) The division shall investigate an allegation of a violation of a provider's discipline policy by the provider or an employee or a volunteer of the provider.

SECTION 3. IC 12-17.2-3.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by a provider shall be present at all times when a child is in the care of the provider.

(b) The following apply to an individual who

- (1) is employed or**
- (2) volunteers**

as a caregiver at a facility where a provider operates a child care program:

- (1) The individual shall maintain current certification in first aid applicable to all age groups of children cared for by the provider.**
- (2) The individual must have received a high school diploma or a high school equivalency certificate described in IC 12-14-5-2.**
- (3) The individual must be at least eighteen (18) years of age.**
- (4) Not more than three (3) months after the individual begins employment or volunteer duties, the individual must receive training approved by the division concerning child abuse detection and reporting.**

(c) A provider shall:

- (1) maintain, at the facility where the provider operates a child care program, documentation of all training required by**



1 **this section; and**

2 **(2) make the documentation available to the division upon**
 3 **request.**

4 SECTION 4. IC 12-17.2-3.5-11.1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11.1. (a) After
 6 December 31, 2002, a provider shall maintain and annually update
 7 documentation provided by the physician of each child who is cared for
 8 in a facility where the provider operates a child care program that the
 9 child has received complete age appropriate immunizations, including:

10 (1) conjugated pneumococcal vaccine; and

11 (2) varicella vaccine or a demonstrated immunity to varicella.

12 The state department of health shall determine for each age level the
 13 immunizations that constitute complete age appropriate immunizations.

14 (b) A provider meets the requirement of subsection (a) if:

15 (1) a child's parent:

16 (A) objects to immunizations for religious reasons; and

17 (B) provides documentation of the parent's objection;

18 (2) the child's physician provides documentation of a medical
 19 reason the child should not be immunized; or

20 (3) the child's physician provides documentation that the child is
 21 currently in the process of receiving complete age appropriate
 22 immunizations;

23 and the provider maintains and annually updates the documentation
 24 provided by the parent or physician under this subsection.

25 **(c) Not more than thirty (30) days after a child is enrolled at a**
 26 **facility where a provider operates a child care program, the**
 27 **provider must receive from the child's parent or guardian a**
 28 **written statement signed by a physician or certified nurse**
 29 **practitioner:**

30 (1) verifying that the child has received a physical
 31 examination and may participate in care at the facility; and

32 (2) listing any medications, allergies, and chronic health
 33 conditions of the child.

34 **However, a parent or guardian may provide a written request that**
 35 **the child be exempt from a physical examination described in this**
 36 **subsection based on the religious beliefs of the child.**

37 **(d) A provider shall maintain and annually update the**
 38 **documentation provided by a parent or guardian under subsection**
 39 **(c).**

